

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7416 of 2018

1. Khemraj Das S/o Valmiki Das Aged About 22 Years R/o- Village- Jharniyapara, Madagaon, Police Station And Post Office- Devbhog, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
2. Kodando Vaishnav S/o Shankar Vaishnav Aged About 23 Years R/o- Village- Mahulpara, Madagaon, Police Station And Post Office- Devbhog, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
3. Kunadas S/o Tankram Aged About 22 Years R/o- Village- Ghantiguda, Police Station And Post Office- Khokhsara, District- Kalahandi (Odisha), District : Kalahandi, Orissa
4. Kanchan Das S/o Maniram Das Aged About 23 Years R/o- Village- Ghantiguda, Police Station And Post Officer- Khokhsara, District- Kalahandi (Odisha), District : Kalahandi, Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Devbhog, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

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MCRC No. 7656 of 2018

- Gulab Yadav S/o Tularam Yadav Aged About 35 Years R/o Village Mahulpara, Madagaon, Police Station And Post Office Devbhog, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Devbhog, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. N.K. Mehta, Panel Laywer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/12/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both applications are applicant's second bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 19/2017 registered at Police Station- Devbhog, District – Gariyaband(C.G.) for the offence punishable under Sections 457, 458, 395, 397, 307, 342 of Indian Penal Code (for short 'IPC') and 25/27 Arms Act.
3. Learned counsel for the applicants submits that applicants are innocent and have falsely implicated in this case. Some of the witnesses of the case have been examined before the trial Court who have not given any clear statement of identification of these applicants, therefore, it is prayed that applicants be granted regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there are some more witnesses left to be examined by the trial Court, who can

establish the identification of these applicants, therefore, no case is made out for grant of regular bail.

5. Heard both the parties and perused the case diary.
6. The allegation against these applicants is this, that on 8.2.2017 at about 10 p.m. 5 unknown persons came to the house of complainant and declared that they are members of naxalite group, thereafter, the complainant was looted of cash and ornaments. Hence, this case.
7. Considered on all the material present in the case diary as there are some more material witnesses present to be examined, hence, it cannot be said that circumstances has changed in favour of the applicants. For this reason, I do not feel inclined to grant regular bail to these applicants.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge